IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION No.23266 of 2004

Between:

Sk.Ismail S/o.Imam, Agriculture,
6-1,Old Illendu, Illandu Mandal,
Khammam District.

..... PETITIONER

AND

1 The Joint Collector (Revenue)
Khammam District.
2 The Revenue Divisional Officer
Kothagudem, Khammam District.
3 The Mandal Revenue Officer
Illandu Mandal, Illandu,
Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of mandamus, declaring the action of the respondent authorities in laying road through the petitioner's agricultural fields in Sy.No.629/1 of Sudimalla village, Illandu Mandal, Khammam district, without acquiring such land and without following due process of law, as illegal, improper, unconstitutional, unjust, violative of principles of natural justice, while issuing a consequential direction to the respondents not to lay the road through the petitioner's agricultural lands and not to disturb his agricultural

activities in his lands.

Counsel for the Petitioner :Mr. G.V.Ramana Reddy

Counsel for the Respondents : G.P. FOR REVENUE (Land Acquisition)

The Court at the stage of admission made the following :

ORDER:

The petitioner, in effect, seeks direction to respondents not to lay the road through his agricultural land in Sy.No.629/1 situate in Sudimalla village, Illandu Mandal, Khammam district, and not to disturb his agricultural activities.

The petitioner claims to be the owner of the said land and is in possession and enjoyment of the same. While so, the petitioner alleges that the respondent authorities are proposing to lay the road through the land belonging to him and he had also submitted objections. The main grievance of the petitioner is that the respondents are laying the road without giving any notice or without acquiring the land in accordance with law. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition and at their request, the writ petition itself is taken up for hearing at the stage of admission.

Having regard to the specific averment that the road is being laid through the agricultural land belonging to the petitioner without giving notice to him and other circumstances of the case, the respondents are directed to follow the due process of law, before laying the road through the petitioner's land, either by acquiring the land under the Land Acquisition Act or any other law or even by private negotiations with the owner by paying appropriate compensation. In case the land belongs to the Government and the petitioner has no right whatsoever over the land, and the procedure contemplated in law has already been complied with, the respondents

are at liberty to go ahead with the laying of the road.

Subject to above observations, the writ petition is disposed of.

15-12-2004

bsc

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector (Revenue)
Khammam District.
2 The Revenue Divisional Officer
Kothagudem, Khammam District.
3 The Mandal Revenue Officer
Illandu Mandal, Illandu,
Khammam District.

4. 2CCs to Govt. Pleader for Revenue (Land Acquisition), High Court buildings, Hyderabad (OUT)

5. 2CD copies

*Form-NIC-OGS/WP{**MVK**}*